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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA, HARYANA-134109

Order

The 8th January, 2021

No. SEC/3ME/2021/219.— The General Election of Municipal Corporation, Yamuna Nagar was held on 16.12.2018 and the result of the elected candidates was declared on 19.12.2018.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No. SEC/3ME/2017/879, dated 18.05.2017 and notification No. SEC/3ME/2018/5582, dated 14.11.2018 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, Sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 5,00,000/- for the member and Rs. 20,00,000/- for the Mayor that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Yamuna Nagar and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana vide order No. SEC/1ME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

6. As reported by the Deputy Commissioner, Yamuna Nagar, the following candidates had contested the election of Municipal Corporation Yamuna Nagar held on 16.12.2018 but failed to submit their election expenditure account:-

| Sr. No. | Name of Candidate | Post/Ward No. |
|---------|---------------------|---------------|
| 1. | Sandeep Kumar Goyal | Mayor |
| 2. | Sheetal | 3 |
| 3. | Raj Kumar | 5 |
| 4. | Rajesh Kumar | 6 |
| 5. | Raman Kumar | 10 |
| 6. | Sushma Kumari | 10 |
| 7. | Kiran | 12 |
| 8. | Neki Ram | 12 |
| 9. | Priya | 12 |
| 10. | Vijay Pal Singh | 12 |
| 11. | Zareen Fatima | 14 |
| 12. | Pooja Rani | 14 |
| 13. | Ashok Mishra | 15 |
| 14. | Tarun | 16 |
| 15. | Sanjay Bakshi | 21 |
| 16. | Jaswinder | 22 |

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 07.12.2020 at 12.30 PM in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No. 2, Sector-17, Panchkula in the interest of natural justice. Sh. Dharam Pal, Assistant, Municipal Corporation, Yamuna Nagar, was present during hearing who has submitted a copy of letter dated 18.11.2020, vide which the notice of personal hearing were delivered to the said candidates. It has been observed notice of personal hearing has been delivered in person or through their family members.

8. The contesting candidates mentioned at Sr. No. 1 to 15 neither appeared before me nor filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified. Candidate mentioned at Sr. No.16 did not appear for personal hearing but on perusal of record it has been found that election expenditure statement has been submitted in the Commission in the month of March, 2019. The expenditure statement has been examined and the expenditure so incurred has been found within the expenditure limit prescribed by the Commission. So far as filing the expenditure statement beyond the prescribed time limit is concerned, the above said candidate has not submitted any justification nor appeared for personal hearing. Hence, he deserves to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 16 candidates mentioned in para 6 are disqualified under Section 8E of the Haryana Municipal Corporation Act, 1994 for being chosen as, and for being a member of Municipality for a period of five years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Yamuna Nagar immediately.

Panchkula:
The 7th December, 2020.

PARMAL SINGH,
Assistant State Election Commissioner, Haryana.